

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

COOK LOGISTICS, LLC,
a Wisconsin limited liability company,
individually and as assignee of HITEC
POWER PROTECTION, INC.,

Plaintiff,

v.

Case No. 2:19-cv-1620

EQUIPMENT EXPRESS, INC.,
a Canadian corporation,

Defendant.

DECLARATION OF THOMAS J. COOK

THOMAS J. COOK, under penalty of perjury, does hereby affirm:

1. I am over the age of 18, and I have personal knowledge of the matters set forth herein.
2. I am the owner and President of Cook Logistics, LLC (“Cook”) and have been owner/President of Cook during all times relevant to this litigation.
3. On or about January 30, 2018, Cook entered into a Broker-Carrier Agreement (“BCS”) with Equipment Express, Inc (“EEI”). A true and correct copy of the BCA was attached to Cook’s Complaint in this matter.
4. Prior to the execution of the BCA, EEI sent a “carrier packet” to Cook, in Wisconsin, in order to allow Cook to properly vet EEI before entering into the BCA.
5. Although EEI apparently signed the BCA in Canada, the agreement was not finalized until EEI returned the signed BCA to Cook in Wisconsin.
6. As part of the BCA, EEI designated Cook as its agent to solicit transportation business from Cook’s principal place of business in Delavan, Wisconsin.

7. When Cook would find transportation business for EEI, Cook would communicate such leads to EEI from Wisconsin.
8. In order to get paid for transportation performed according to the BCA, EEI had to send its invoices, along with bills of lading and delivery receipts showing proper delivery of the goods transported, to Cook's principal place of business in Delavan, Wisconsin.
9. Cook would collect freight charges on behalf of EEI from Cook's place of business in Delavan, Wisconsin. Upon receipt of the freight charges from the shipper(s) and the required paperwork from EEI, Cook would then issue payments to EEI from Cook's principal place of business in Delavan, Wisconsin.
10. Pursuant to the terms of the BCA, EEI submitted a number of invoices to Cook at Cook's principal place of business in Delavan, Wisconsin, copies of which are attached hereto, including:
 - i. Invoice I021031, dated April 18, 2018, regarding a shipment originating in Harrow, Ontario and delivered to Jacksonville, Florida;
 - ii. Invoice I021032, dated April 18, 2018, regarding a shipment originating in Harrow, Ontario and delivered to Jacksonville, Florida;
 - iii. Invoice I032761, dated February 13, 2019, regarding a shipment originating in Hamilton, Ontario and delivered to Redmond, Washington;
 - iv. Invoice I032762, dated February 13, 2019, regarding a shipment originating in Hamilton, Ontario and delivered to Redmond, Washington;
 - v. Invoice I032763, dated February 13, 2019, regarding a shipment originating in Hamilton, Ontario and delivered to Redmond, Washington;

- vi. Invoice I032743, dated February 14, 2019, regarding a shipment originating in Hamilton, Ontario and delivered to Redmond, Washington;
 - vii. Invoice I032732, dated February 15, 2019, regarding a shipment originating in Hamilton, Ontario and delivered to Redmond, Washington.
11. All of the above-referenced invoices were sent to Cook at Cook's principal place of business in Delavan, Wisconsin.
12. Cook issued payment on Invoices I021031 and I021032 via wire transfer initiated in Wisconsin.
13. When the cargo that is the subject of this litigation arrived in Redmond, Washington damaged, Cook's customer – HITEC Power Protection, Inc. ("HITEC") – submitted a claim for loss/damage to Cook at Cook's principal place of business in Wisconsin.

This Declaration was signed in the State of Wisconsin.

Pursuant to 28 U.S.C. 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Date: April 24, 2020

/s/ Thomas J. Cook
Thomas J. Cook



60 Wanless Court, Ayr, Ontario N0B 1E0
(519) 740-8008 (519) 740-6297 (800) 387-9791

INVOICE

COOK LOGISTICS LLC
W7377 COUNTY ROAD A
DELAVAN, WI
53115

INVOICE NUMBER

I031031

INVOICE DATE

Apr 18, 2018

ACCOUNT CODE

COO001

ORDER NO.	R038919	P.O. NO.		TERMS	DUE ON RECEIPT	
		QUOTE NO.		EQUIPMENT		
PROBILL #	P042060					
SHIPPED	03/26/2018	P/U NO.		RECEIVED	04/05/2018	DEL NO. BOOKING #CAT356385
PICK UP	ENERQUEST SERVICES INC 360 QUEEN STREET HARROW, ON N0R 1G0			DELIVER	CROWLEY LINER SERVICES 1150 TALLEYRAND AVE JACKSONVILLE, FL 32206	
SHIPPER	Same as Pickup Location			CONSIGNEE	Same as Delivery Location	
B.O.L. #'s	FREIGHT DESCRIPTION			FREIGHT QUANTITY\WEIGHT		
UNIT #2 EE BOL # 44220	E HOUSE (BASE FUELTANK, RADIATOR & CHILLER) 47'L. 13'10"W. 11'7"H			1 pcs, 95000 lbs		

Comments

Probill No.	Charge Description	Charges
	TRANSPORT CHARGE	\$35,500.00
	EXCESSIVE LOADING (8 @ \$125.00)	\$1,000.00
	APPOINTMENT NOT TILL THURSDAY APR 5TH (8 @ \$125.00)	\$1,000.00
	Sub-Total	\$37,500.00
	Amount Due in USD Funds	\$37,500.00



60 Wanless Court, Ayr, Ontario N0B 1E0
(519) 740-8008 (519) 740-6297 (800) 387-9791

INVOICE

COOK LOGISTICS LLC
W7377 COUNTY ROAD A
DELAVAN, WI
53115

INVOICE NUMBER

INVOICE DATE

I031032

Apr 18, 2018

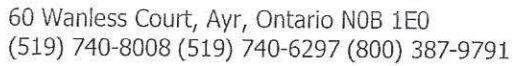
ACCOUNT CODE

COO001

ORDER NO.	R038920	P.O. NO.		TERMS	DUE ON RECEIPT		
		QUOTE NO.		EQUIPMENT			
PROBILL #	P042061						
SHIPPED	03/26/2018	P/U NO.		RECEIVED	04/05/2018	DEL NO.	TBC
PICK UP	ENERQUEST SERVICES INC 360 QUEEN STREET HARROW, ON N0R 1G0			DELIVER	CROWLEY LINER SERVICES 1150 TALLEYRAND AVE JACKSONVILLE, FL 32206		
SHIPPER	Same as Pickup Location			CONSIGNEE	Same as Delivery Location		
B.O.L. #'s	FREIGHT DESCRIPTION			FREIGHT QUANTITY\WEIGHT			
UNIT #1 EE BOL # 34289	GENERATOR & SWITCHGEAR ENCLOSURE (E-HOUSE) 39'4"L. 13'8"W. 12'H			1 pcs, 115000 lbs			

Comments

Probill No.	Charge Description	Charges
	TRANSPORT CHARGE (FROST)	\$41,500.00
	EXCESSIVE LOADING (8 @ \$125.00)	\$1,000.00
	SHRINK WRAP FELL OFF, RETURN FOR REDO AND TARP (8 @ \$175.00)	\$1,400.00
	EXCESSIVE OFF LOAD (8 @ \$125.00)	\$1,000.00
Sub-Total		\$44,900.00
Amount Due in USD Funds		\$44,900.00



COOK LOGISTICS LLC
W7377 COUNTY ROAD A
DELAVER, WI
53115

INVOICE DATE

Feb 13, 2019

COO002

Case 2:19-cv-01620-PP Filed 04/24/20 Page 7 of 9 Document 13



60 Wanless Court, Ayr, Ontario N0B 1E0
(519) 740-8008 (519) 740-6297 (800) 387-9791

INVOICE

COOK LOGISTICS LLC
W7377 COUNTY ROAD A
DELAVAN, WI
53115

INVOICE NUMBER

INVOICE DATE

I032743

Feb 14, 2019

ACCOUNT CODE

COO002

ORDER NO.	R041092	P.O. NO. QUOTE NO.		TERMS EQUIPMENT	DUE ON RECEIPT
PROBILL #	P044422				
SHIPPED	02/14/2019	P/U NO.		RECEIVED	03/04/2019
PICK UP	AVL MANUFACTURING 243 QUEEN STREET NORTH HAMILTON, ON L8R 3N6			DELIVER	AT & T SERVICES 14560 NE 87TH STREET REDMOND, WA 98052
SHIPPER	Same as Pickup Location			CONSIGNEE	Same as Delivery Location
B.O.L. #'s	FREIGHT DESCRIPTION			FREIGHT QUANTITY/WEIGHT	
EE BOL # 42507	DRUPS ENCLOSURE BUILDING 47'-0" X 11'-0" X 13'-0"			1 pcs, 25000 lbs	

Comments

Probill No.	Charge Description	Charges
P044422	TRANSPORT CHARGE	\$29,500.00
	EXCESSIVE LOADING	\$500.00
Sub-Total		\$30,000.00
Amount Due in CAD Funds		\$30,000.00



60 Wanless Court, Ayr, Ontario N0B 1E0
(519) 740-8008 (519) 740-6297 (800) 387-9791

INVOICE

INVOICE NUMBER

INVOICE DATE

I032732

Feb 15, 2019

COOK LOGISTICS LLC
W7377 COUNTY ROAD A
DELAVAN, WI
53115

ACCOUNT CODE

ORDER NO.	R041132	P.O. NO.		TERMS	DUE ON RECEIPT	
		QUOTE NO.		EQUIPMENT		
PROBILL #	P044466					
SHIPPED	02/15/2019	P/U NO.		RECEIVED	02/25/2019	DEL NO.
PICK UP	AVL MANUFACTURING 243 QUEEN STREET NORTH HAMILTON, ON L8R 3N6			DELIVER	AT & T SERVICES 14560 NE 87TH STREET REDMOND, WA 98052	
SHIPPER	Same as Pickup Location			CONSIGNEE	Same as Delivery Location	
B.O.L. #'s		FREIGHT DESCRIPTION		FREIGHT QUANTITY\WEIGHT		
EE BOL # 46556		RADIATOR # 2 12'-0" X 11'-0" X 9'-5" DISCHARGE FRAMES # 1 AND # 2 10'-0" X 10'-0" X 12'		1 pcs, 6098 lbs 2 pcs, 7000 lbs		

Comments

Probill No.	Charge Description	Charges
P044466	TRANSPORT CHARGE	\$17,260.00
Sub-Total		\$17,260.00
Amount Due in CAD Funds		\$17,260.00